Horney v. *Nixon, supra; Taylor* v. *Cohn,* 47 Ore. 538, 84 Pac. 388, 8 Ann. Cas. 527; *Buenzle* v. *Newport Amusement Co.,* 29 R. I. 23, 68 Atl. 721.

A number of the states have passed what are known as civil rights acts, similar to the statute involved in the principal case, providing in effect that no person may be excluded from the equal enjoyment of places of amusement, by reason of race, color or creed. Such statutes are constitutional, as a valid exercise of the police power of the state. *People* v. *King,* 110 N. Y. 418, 18 N. E. 245, 6 Am. St. Rep. 389, 1 L. R. A. 293; *Baylies* v. *Curry,* 128 Ill. 287, 21 N. E. 595; *Messenger* v. *State,* 25 Neb. 674, 41 N. W. 638. The whole purpose of these statutes is to prevent discrimination on account of race, color or creed, and they are usually qualified so as to include only this form of discrimination. This was true of the statute involved in the instant case, and the claim of the plaintiff that its scope was broader because of the peculiar wording of the act was properly overruled by the court, both on the ground that the discrimination prohibited by the statute was in fact qualified by the words "on account of race, creed or color;" and also on the ground that this type of discrimination was the only evil toward which the statute was directed. While from the standpoint of policy it might not be wise to allow a dramatic critic who writes legitimate and proper criticisms to be excluded by the management of a theatre, yet by no reasonable construction would the civil rights act seem to apply to such an act, and additional legislation would be necessary to cover it.

TORTS—JOINT TORT-FEASORS—UNSATISFIED JUDGMENT AGAINST ONE—BAR TO SUBSEQUENT ACTION AGAINST OTHERS.—The plaintiff recovered a judgment against one tort-feasor, on which execution was returned, *nulla bona.* To an action against the other tort-feasor, the recovery of this judgment and the issue of execution thereon, was set up in bar. *Held,* the second action is not barred. *Ketelson* v. *Stilz* (Ind.), 111 N. E. 423.

The doctrine that an unsatisfied judgment against one of several joint tort-feasors operates as a bar to subsequent suits against the others was first laid down by a decision rendered in the year 1603. See *Brown* v. *Wootton,* Cro. Jac. 73, Yelv. 67, Moo. K. B. 762. This case established a doctrine which the English courts have followed with practical unanimity. The Virginia decisions, which form an exception to the established American doctrine, are in line with the English cases. These courts argue that, where the tort results from the combined acts of several wrongdoers, the injured party is entitled to but one cause of action. In this action the complainant may join all the tort-feasors as defendants, or sue severally, at his option. Having elected, however, to sue singly and once established and made certain his rights of action by obtaining a judgment thereon against one of the joint tort-feasors, the plaintiff shall not thereafter have a new action on the same cause against the others, although the first judgment be not satisfied. *Brown* v. *Wootton, supra; Buckland* v. *Johnson,* 15 C. B. 145, 23 L. J. (C. P.) 204; *Wilks* v. *Jackson,* 2 Hen. & M. (Va.) 355; *Petticolas* v. *City of Richmond,* 95 Va. 456, 28 S. E. 566. It is maintained that if the unsatisfied judgment is not a bar to subsequent actions, multiplied and vexatious suits would be encouraged thereby accumulating useless

costs, when the matter could be settled in a single action in which all the tort-feasors are joined as defendants. *Brinsmead* v. *Harrison*, L. R. 7 C. P. 553. See *King* v. *Hoare*, 13 M. & W. 494.

But a few cases, even in England, seem to indicate that only satisfaction of the judgment should operate at a discharge to the other joint tort-feasors, and judgment against one should be regarded as mere security, until actual satisfaction is had for the wrong. See *Cocke* v. *Jennor*, Hob. 66; *Claxton* v. *Swift*, 3 Mod. 86; *Drake* v. *Mitchell*, 3 East 258, 259.

With Virginia as an exception, the universal rule in this country is that a judgment against one of several joint tort-feasors, which has not been satisfied, constitutes no bar to subsequent actions against the others; but there may be only one satisfaction. *Lovejoy* v. *Murray*, 3 Wall 1; *Livingston* v. *Bishop*, 1 Johns. (N. Y.) 290, 3 Am. Dec. 330; *Bland* v. *Cochern*, 20 Ala. 320; *Page* v. *Freeman*, 19 Mo. 421. The doctrine first established in Pennsylvania and Rhode Island upon this point was in accord with the English and Virginia decisions. *Floyd* v. *Browne*, 1 Rawle (Pa.) 121, 18 Am. Dec. 602; *Hunt* v. *Bates*, 7 R. I. 217. But these jurisdictions have repudiated their former doctrine, and are now in accord with the weight of authority in this country. *Fox* v. *The Northern Liberties*, 3 W. & S. (Pa.) 103; *Parmenter* v. *Browstow*, 21 R. I. 410, 43 Atl. 1035.

It would seem that the American view is more in accordance with reason and principle. All the authorities recognize the fact that joint tort-feasors are severally liable for the entire joint wrong; but if the plaintiff sues singly and his unsatisfied judgment operates as a bar to subsequent actions against the others, the recognized right of the plaintiff to sue severally is of no effect. Thus, by the English or Virginia view, the plaintiff sues singly at his peril, since, if the defendant sued happens to be insolvent, the plaintiff would be left without further remedy for the wrong. The theory of this view, that the plaintiff's inferior right of action is merged by the judgment against one tort-feasor, is believed to be unsound; for the reason that the law regards each wrongdoer so liable or the entire joint wrong, thereby giving the plaintiff a several right of action against each, and there can be no merger of these several rights of action by a mere judgment without satisfaction against one, since such a judgment does not bind all the joint tort-feasors.

WILLS—CONSTRUCTION—LIFE ESTATE WITH ABSOLUTE POWER OF DISPOSITION.—A testator, by will, left all his property, real and personal, to his wife for her natural life; and the part remaining undisposed of at her death, to his children. He later executed a valid codicil, declaring that the wife should hold and enjoy the property not for her life merely, but absolutely as her own, giving her the complete power of disposition during her lifetime, but providing that the property, as to which the power was not so exercised, should inure to the benefit of his children. The wife, at her death, devised the property to the defendant. *Held*, the devise is void, since the wife had only a life estate therein. *Rives* v. *Burrage* (Miss.), 70 South. 893.